

2. Mental Examination of Elshiekh. On 27 August 2012, Elshiekh filed a notice of intent to offer evidence concerning her mental condition pursuant to Fed. R. Crim. P. 12.2(b). (*See* Am. Notice (D.E. 229)). At the conference, Elshiekh represented that she expects to be able to produce to the government an expert report and summary of expert testimony on this issue by the 14 September 2012 deadline for such production. (*See* 31 Aug. 2012 Order (D.E. 231) 1, Events No. 8, 9). In response, the government expressed concern about having sufficient time between this production and the 1 October 2012 rebuttal report deadline to arrange for a mental examination of Elshiekh, pursuant to Fed. R. Crim. P. 12.2(c)(1)(B), and to produce the report on the examination. Elshiekh, in turn, requested that she be provided at least a week's (*i.e.*, five business days') notice of any such examination.

Based on the discussion at the conference, the court hereby ORDERS that the following procedure be followed:

a. If, after receipt of Elshiekh's expert report on her mental condition, the government decides to seek an examination of Elshiekh pursuant to Fed. R. Crim. P. 12.2(c)(1)(B), it shall arrange¹ to have such examination conducted as soon as practicable, but in no event later than 5 October 2012.

b. The government shall notify Elshiekh of the date of and arrangements for the examination at least one week prior to the examination.

c. The government shall produce to Elshiekh the examiner's report and a summary of any expert testimony by the examiner the government intends to present at trial no later 15 October 2012.

¹ Such arrangements would include, if necessary, seeking an order from the court for the examination pursuant to Rule 12.2(c)(1)(B).

3. Next Status Conference. As discussed at the conference, the next status conference shall be held on 4 October 2012 at 1:00 p.m. in the 6th floor courtroom of the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina. All counsel of record, including stand-by counsel for defendant Hysen Sherifi, are DIRECTED to attend. Further, the United States Marshal is DIRECTED to produce defendant Hysen Sherifi for the hearing. The presence of Shkumbin Sherifi and Elshiekh is not required.

The provisions related to preparation for status conferences set forth in ¶ 10 of the 2 May 2012 Order shall apply. After the parties have conferred to develop a joint agenda, they may, by joint motion, request cancellation of the conference.

SO ORDERED, this the 7th day of September 2012.



James E. Gates
United States Magistrate Judge